

ASSEMBLY BILL

No. 2297

Introduced by Assembly Member Brownley

February 18, 2010

An act to amend Section 76140 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 2297, as introduced, Brownley. Community colleges: nonresident fees.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law also authorizes the establishment of community college districts, and further authorizes the operation, by these districts, of community college campuses that offer instructional services throughout the state.

Existing law requires a community college district to charge a nonresident tuition fee to nonresident students, with certain exceptions. Existing law requires the fee to be set according to one of 4 formulas, one of which divides the expense of education in all districts by the number of full-time equivalent students, as defined, attending all districts in the preceding fiscal year.

This bill would provide that if the amount calculated by this formula for the succeeding fiscal year is less than a specified amount, then the district is authorized to set the nonresident tuition fee at a specified amount.

(2) Existing law requires the governing board of a community college district to consider nonresident tuition fees of public community colleges in other states when adopting a tuition fee for nonresident students.

This bill would authorize the governing board to adopt a nonresident tuition fee that is no greater than the average of the nonresident tuition fees of public community colleges of no less than 12 states with comparable cost of living, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 76140 of the Education Code is amended
2 to read:
3 76140. (a) A community college district may admit and shall
4 charge a tuition fee to nonresident students. The district may
5 exempt from all or parts of the fee any person described in
6 paragraph (1), (2), or (3):
7 (1) All nonresidents who enroll for six or fewer units.
8 Exemptions made pursuant to this paragraph shall not be made on
9 an individual basis.
10 (2) Any nonresident who is both a citizen and resident of a
11 foreign country, if the nonresident has demonstrated a financial
12 need for the exemption. Not more than 10 percent of the
13 nonresident foreign students attending any community college
14 district may be so exempted. Exemptions made pursuant to this
15 paragraph may be made on an individual basis.
16 (3) (A) A student who, as of August 29, 2005, was enrolled,
17 or admitted with an intention to enroll, in the fall term of the
18 2005–06 academic year in a regionally accredited institution of
19 higher education in Alabama, Louisiana, or Mississippi, and who
20 could not continue his or her attendance at that institution as a
21 direct consequence of damage sustained by that institution as a
22 result of Hurricane Katrina.
23 (B) The chancellor shall develop guidelines for the
24 implementation of this paragraph. These guidelines shall include
25 standards for appropriate documentation of student eligibility to
26 the extent feasible.
27 (C) This paragraph shall apply only to the 2005–06 academic
28 year.
29 (b) A district may contract with a state, a county contiguous to
30 California, the federal government, or a foreign country, or an

1 agency thereof, for payment of all or a part of a nonresident
2 student's tuition fee.

3 (c) Nonresident students shall not be reported as full-time
4 equivalent students (FTES) for state apportionment purposes,
5 except as provided by subdivision (k) or another statute, in which
6 case a nonresident tuition fee may not be charged.

7 (d) The nonresident tuition fee shall be set by the governing
8 board of each community college district not later than February
9 1 of each year for the succeeding fiscal year. The governing board
10 of each community college district shall provide nonresident
11 students with notice of nonresident tuition fee changes during the
12 spring term before the fall term in which the change will take
13 effect. Nonresident tuition fee increases shall be gradual, moderate,
14 and predictable. The fee may be paid in installments, as determined
15 by the governing board of the district.

16 (e) The fee established by the governing board pursuant to
17 subdivision (d) shall represent for nonresident students enrolled
18 in 30 semester units or 45 quarter units of credit per fiscal year (1)
19 the amount that was expended by the district for the expense of
20 education as defined by the California Community College Budget
21 and Accounting Manual in the preceding fiscal year increased by
22 the projected percent increase in the United States Consumer Price
23 Index as determined by the Department of Finance for the current
24 fiscal year and succeeding fiscal year and divided by the FTES
25 (including nonresident students) attending in the district in the
26 preceding fiscal year, (2) the expense of education in the preceding
27 fiscal year of all districts increased by the projected percent
28 increase in the United States Consumer Price Index as determined
29 by the Department of Finance for the fiscal year and succeeding
30 fiscal year and divided by the FTES (including nonresident
31 students) attending all districts during the preceding fiscal year,
32 (3) an amount not to exceed the fee established by the governing
33 board of any contiguous district, or (4) an amount not to exceed
34 the amount that was expended by the district for the expense of
35 education, but in no case less than the statewide average as set
36 forth in paragraph (2). However, if for the district's preceding
37 fiscal year FTES of all students attending in the district in noncredit
38 courses is equal to, or greater than, 10 percent of the district's total
39 FTES attending in the district, the district, in calculating the amount
40 in paragraph (1), may substitute, instead, the data for expense of

1 education in grades 13 and 14 and FTES in grades 13 and 14
2 attending in the district. *If the amount calculated under paragraph*
3 *(2) for the succeeding fiscal year is less than the amount previously*
4 *established under paragraph (2) for the current fiscal year, or any*
5 *of the four immediately preceding fiscal years, the district may set*
6 *the nonresident tuition fee at the greater of the current, or any of*
7 *the four immediately preceding, fiscal year amounts.*

8 (f) The governing board of each community college district also
9 shall adopt a tuition fee per unit of credit for nonresident students
10 enrolled in more or less than 15 units of credit per term by dividing
11 the fee determined in subdivision (e) by 30 for colleges operating
12 on the semester system and 45 for colleges operating on the quarter
13 system and rounding to the nearest whole dollar. The same rate
14 shall be uniformly charged nonresident students attending any
15 terms or sessions maintained by the community college. The rate
16 charged shall be the rate established for the fiscal year in which
17 the term or session ends.

18 (g) In adopting a tuition fee for nonresident students, the
19 governing board of each community college district shall consider
20 nonresident tuition fees of public community colleges in other
21 states. *Notwithstanding subdivision (e), the governing board of a*
22 *community college district may adopt a nonresident tuition fee*
23 *that is no greater than the average of the nonresident tuition fees*
24 *of public community colleges of no less than 12 states that are*
25 *comparable to California in cost-of-living. The determination of*
26 *comparable states shall be based on a composite cost of living*
27 *index as determined by the United States Department of Labor,*
28 *or cooperating government agency.*

29 (h) Any loss in district revenue generated by the nonresident
30 tuition fee shall not be offset by additional state funding.

31 (i) Any district that has fewer than 1,500 FTES and whose
32 boundary is within 10 miles of another state that has a reciprocity
33 agreement with California governing student attendance and fees
34 may exempt students from that state from the mandatory fee
35 requirement described in subdivision (a) for nonresident students.

36 (j) Any district that has more than 1,500, but less than 3,001,
37 FTES and whose boundary is within 10 miles of another state that
38 has a reciprocity agreement with California governing student
39 attendance and fees may, in any one fiscal year, exempt up to 100

1 FTES from that state from the mandatory fee requirement described
2 in subdivision (a) for nonresident students.
3 (k) The attendance of nonresident students who are exempted
4 pursuant to subdivision (i) or (j), or pursuant to paragraph (3) of
5 subdivision (a), from the mandatory fee requirement described in
6 subdivision (a) for nonresident students may be reported as resident
7 FTES for state apportionment purposes. Any nonresident student
8 reported as resident FTES for state apportionment purposes
9 pursuant to subdivision (i) or (j) shall pay a fee of forty-two dollars
10 (\$42) per course unit. That fee is to be included in the FTES
11 adjustments described in Section 76330 for purposes of computing
12 apportionments.

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